IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 183 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT INDUSTRIAL INVESTMENT CORPORATION

Versus

M.I. JOSHIPURA

Appearance:

1. Special Civil Application No. 183 of 1989

MR RP BHATT for Petitioner No. 1

GOVERNMENT PLEADER for Respondent No. 1

MRS DAXA N MEHTA for Respondent No. 2

MR NR SHAHANI for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 12/08/2004

ORAL JUDGEMENT

Heard learned advocate Mr. Bhatt for the petitioner; learned AGP for respondent NO.1; Mrs. Mehta for respondent No. 2.

In this petition, initially, jurisdiction of the Conciliation Officer was challenged by the petitioner under Rule 66 of the Industrial Disputes (Gujarat) Rules, 1966 read with section 33(3) and (4). Rule was issued by this Court in this petition on March 7/March 8, 1989 but no interim relief was granted. Thereafter, the conciliation officer passed order on 5th August, 1989 which was challenged by the petitioner by way of amendment in the petition. The conciliation officer has declared four workmen as protected workmen only for the year 1988-89. According to the Industrial Disputes (Gujarat) Rules, 1966, list of the protected workmen is required to be sent by the union every year before 30th September. Year has not been defined under the Act but that has to be considered from 1st October to 30th September of the next year. Therefore, considering this fact and the legal position, after 30th September, 1989, this order cannot operate further and, therefore, by passage of time, this petition has become infructuous and, therefore, same is required to be disposed of as having become infructuous by passage of time. Accordingly, this petition is disposed of as having become infructuous. Rule is discharged. No order as to costs.

It is, however, clarified that it will be open for the petitioner to raise all contentions which are available and raised in this petition in case if the same are required to be raised before the appropriate forum.

(H.K. Rathod,J.)

Vyas